

**PUBLIC HEARING
Town of Westfield
July 25, 2022
Local Law No. 2 of 2022**

ADOPTING OMNIBUS AMENDMENTS TO THE TOWN CODE AND ZONING CODE

Supervisor Bills called the public hearing to order at 7:00 pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha Bills	Ed Slate
Councilmen:	David Brown	Sandra Brown
	James Herbert	
	David Spann	
	Will Northrop	

Code Officer Bonnie Rae Strickland
Town Attorney Joel Seachrist

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Local Law.

Attorney Joel Seachrist and Supervisor Bills summarized the law and various provisions were discussed.

Proof of Publication of the public hearing was provided from the Town Clerk.

There being no further questions or comments, Councilman David Brown moved and David Spann seconded the motion that the public hearing be closed at 7:28pm. This was unanimously approved.

Respectfully submitted,
//original signed//
Andrea L. Babcock, Town Clerk

SPECIAL MEETING OF THE TOWN BOARD
Town of Westfield
July 25, 2022

A Special Meeting of the Town Board of the Town of Westfield was called to order at 7:28pm at Eason Hall, 23 Elm Street, Westfield, NY, with the following members present:

Supervisor:	Martha Bills	Ed Slate
Councilmen:	David Brown	Sandra Brown
	James Herbert	
	David Spann	
	Will Northrop	

Code Officer	Bonnie Rae Strickland
Town Attorney	Joel Seachrist

Councilman Will Northrop made the motion to adopt

Resolution No. 46 of 2022
TOWN OF WESTFIELD
Negative Declaration

WHEREAS, the Town of Westfield has proposed Local Law No. 2 of 2022, which would adopt omnibus amendments to the Town’s Zoning Law, and

WHEREAS, the proposed law has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a long Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed local law, and

WHEREAS, the Board has determined that the proposed law will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law No. 2 of 2022 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Councilman David Spann seconded the motion. Voting was as follows: Supervisor Martha Bills, aye; Councilman, David Brown, aye; Councilman James Herbert, aye; Councilman David Spann, aye; Councilman Will Northrop, aye. Motion carried.

Councilman David Brown made the motion to adopt Local Law No. 2 of 2022 as modified:

**Resolution No. 47 of 2022
TOWN OF WESTFIELD
RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2022**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on July 25, 2022 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law to adopt omnibus amendments to the Town's Zoning Law, pertaining, in part, to greenhouses, campgrounds, and commercial recreation, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Observer* and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on July 25, 2022 at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Chautauqua County Planning Department by letter dated July 25, 2022, sent in response to a referral made pursuant to Section 239-m of the General Municipal Law, has advised that the proposed Local Law is of local option, and

WHEREAS, the Board has determined that the adoption of the local law is a Type I action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 2 of 2022, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

TOWN OF WESTFIELD

**LOCAL LAW NO. 2 FOR THE YEAR 2022
ADOPTING OMNIBUS AMENDMENTS TO THE TOWN CODE AND ZONING CODE**

Pursuant to Section 10 of the Municipal Home Rule Law, be it enacted by the Town of Board of the Town of Westfield, County of Chautauqua and State of New York, as follows:

SECTION 1. AUTHORITY.

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

SECTION 2. DEFINITIONS.

Section 185-13 of the Town of Westfield Zoning Law is hereby amended to insert the following definitions, in the appropriate alphabetical position:

CAMPGROUND

Two or more cabins and/or space for two or more tents, travel or camping trailers, shelters, houseboats, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

COMMERCIAL RECREATION

Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking, and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. This use shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting ranges. This use may include land, buildings and facilities operated by a membership corporation, association, or fraternal order for the use and benefit of members and their guests primarily for the purpose of accommodating recreational athletic, social, literary or similar activities purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities, provided that the primary purpose of such facilities is not to provide overnight accommodations for members.

GREENHOUSE:

A. RESIDENTIAL - An accessory structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for personal or non-commercial use.

B. COMMERCIAL - A primary use structure typically enclosed with glass, plastic, or similar translucent materials within which agricultural or horticultural products are grown for retail or wholesale sale, and which includes appropriate areas for parking, loading and storage, office, and customers.

SECTION 3. CAMPGROUNDS.

A new Section 185-43(O) is hereby added to the Town of Westfield Zoning Law, which shall provide as follows:

O. Campgrounds.

- (1) Purpose. For the purpose of protecting properties adjacent to campgrounds from indiscriminate placement, unsightliness, noise, and related health and safety problems, etc., the following rules and standards shall apply.
- (2) Definitions. See § 185-13.
- (3) Regulations. Campgrounds shall be permitted by Special Use Permit in the Residential-Agricultural and Residential-Lakeside Districts, provided that the following standards are observed
 - (a) The parcel on which a campground is located must be at least 5 acres in size.
 - (b) All provisions of the Sanitary Code or such other regulations of the State Health Department pertaining to campgrounds shall be complied with.
 - (c) The number of campsites shall not exceed one per 10,000 square feet of area within such grounds.
 - (d) No campsite or camp structure shall be located within 100 feet of any highway and 100 feet of any other property line.

SECTION 4. CAMPGROUNDS IN THE R-L DISTRICT.

A new Section 185-19(D)(11) is hereby added to the Town of Westfield Zoning Code to permit campgrounds by special use permit in the Residential-Lakeside (R-L) District by Special Use Permit, which shall provide as follows:

- (11) Campground.

SECTION 5. CAMPGROUNDS IN THE R-A DISTRICT.

A new Section 185-24(J)(34) is hereby added to the Town of Westfield Zoning Law to permit campgrounds by special use permit in the Residential-Agricultural (R-A) District by Special Use Permit, which shall provide as follows:

- (34) Campground.

SECTION 6. COMMERCIAL RECREATION IN THE R-L DISTRICT.

Section 185-19(D) of the Town of the Town of Westfield Zoning Law is hereby modified so that Subsection (2) thereof provides as follows:

- (2) Commercial recreation.

SECTION 7. RESIDENTIAL GREENHOUSES.

A new Section 185-15(F) is hereby added to the Town of Westfield Zoning Law to permit residential greenhouses in the Residential (R-12) District by right, and, by extension also in the Residential-Lakeside (R-A) District and Residential-Agricultural (R-A) District, which shall provide as follows:

- (F) Residential greenhouse.

SECTION 8. COMMERCIAL GREENHOUSES IN THE C DISTRICT.

A new Section 185-29(16) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Commercial (C) District, which shall provide as follows:

- (16) Commercial greenhouse.

SECTION 9. COMMERCIAL GREENHOUSES IN THE L-I DISTRICT.

A new Section 185-40(B)(9) is hereby added to the Town of Westfield Zoning Law to permit commercial greenhouses in the Light-Industrial (L-I) District, by Special Use Permit, which shall provide as follows:

- (9) Commercial greenhouse.

SECTION 10. TRAVEL TRAILERS

Article VI of the Town of Westfield Code is hereby amended to provide as follows:

Article VI. Travel Trailers

§ 115-16. Duration of stay.

A. No travel trailer shall be permitted to remain occupied upon any premises, other than in a preestablished or properly permitted mobile home park, for a longer period than four months in any twelve-month period. Occupant must prove legal disposal of waste.

B. Any travel trailer used for temporary residential occupancy as permitted by Subsection A above shall not be rented or leased for a fee, either for long-term or short-term rental.

§ 115-17. Exemption.

This chapter does not apply to travel trailers located in preestablished and properly permitted trailer parks or camping areas that have regularly maintained trailer parking areas and sanitation systems approved by the New York State Health Department.

§ 115-18. Placement; nonconforming locations.

- A. No travel trailer shall be placed for more than seven days, and no landowner shall permit a travel trailer to be placed for more than seven days, within 40 feet from the edge of any road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield.
- B. Travel trailers stored or occupied in a nonconforming location, within 40 feet of a road right-of-way owned by the State of New York, County of Chautauqua or Town of Westfield, may continue to be stored in such location only if the Town of Westfield Code Enforcement Officer determines that there is no location further from the road that is usable.

SECTION 11. VALIDITY AND SEVERABILITY.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 12. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Councilman James Herbert seconded the motion. Voting was as follows: Supervisor Martha Bills, aye; Councilman, David Brown, aye; Councilman James Herbert, aye; Councilman David Spann, aye; Councilman Will Northrop, aye. Motion carried.

Supervisor Martha Bills made a motion to set a Public Hearing for 7:20pm, August 3, 2022 for a Special Use Permit application that was received and reviewed by the Town Planning Board on July 21, 2022 for Douglas Tanner and Diane Meleen location, Hardscrabble Road for a storage shed. Seconded by Councilman Will Northrop. Unanimously carried.

There being no further business, at 7:48 pm. Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
//original signed//
Andrea L Babcock, Town Clerk